



COUNTY OF LOS ANGELES  
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County Counsel

June 7, 2011

TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI  
Senior Assistant County Counsel

RE: **Claims of Beatrice Bagsiao, et al.**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Claims of Beatrice Bagsiao, et al., in the amount of \$810,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

These wrongful death claims arise from a vehicle accident involving an employee of the Department of Health Services.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Non-litigated Claims of Beatrice Bagsiao, Lawrence Bagsiao, Elise Bagsiao Manecia, Marilyn Bagsiao Mang-Oy, and Mary Jane Bagsiao
CASE NUMBER	N/A
COURT	N/A
DATE FILED	5/21/2009
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 810,000
ATTORNEY FOR PLAINTIFF	Paul Kiesel, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	On March 24, 2009, a County employee operating a forklift carrying a waste bin was crossing Zonal Avenue from Biggy Avenue. At the same time, 86 year old Andrew Bagsiao was collecting recyclables from waste containers along Zonal Avenue. When the employee turned into the driveway of the loading dock of LAC+USC Medical Center, he did not see Mr. Bagsiao. Unfortunately, it was not until the employee felt the forklift run over an object that he realized that he collided into and ran over Mr. Bagsiao.

Mr. Bagsiao died at the scene of the incident.

The claimants, who are the adult children of Mr. Bagsiao, contend that the County employee operated the forklift negligently.

Due to the inherent risks and uncertainties involved in a proceeding with a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement with the claimants.

PAID ATTORNEY FEES, TO DATE	\$	11,572
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PAID COSTS, TO DATE	\$	5,220
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## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	March 24, 2009
Briefly provide a description of the incident/event:	Andrew Bagsiao, a pedestrian, was crossing the driveway of the north loading dock when he was struck and killed by a forklift carrying a loaded waste bin driven by a County employee.

1. Briefly describe the root cause(s) of the claim/lawsuit:

- Unsafe intersection with multiple vehicle access points and inattentive driving resulting in pedestrian death.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

### SYSTEMS:

-On April 1, 2009, the pedestrian crosswalk was painted to clearly identify where pedestrians will cross the intersection.

-On April 3, 2009, signage was installed for both pedestrian and vehicle traffic.

-On April 15, 2009, all vendors were notified regarding safety and security of the loading dock area adjacent to the accident site,

- On April 12, 2010, LAC+USC Network Policy 663: Powered Industrial Truck was developed which includes training requirement for staff operating powered industrial trucks. The policy was approved by Network Executive Leadership.

-On November 11, 2010, supervisors of employees driving forklifts were provided with a copy of Network policy 663 and acknowledged their responsibilities as stated in the policy to assure evaluation every three years.

-On March 25, 2009, Pharmacy conducted inservice for their forklift operators and implemented immediate measures to cordon off areas where forklift operations are conducted.

-On April 1, 2009 and April 2, 2009, retraining and competency validation were conducted for 60 employees in Facilities Management, Materials Management and Pharmacy.

-On January 29, 2010, negotiated non-admissions stipulation with Cal OSHA and paid a penalty of \$1,125.00.

PERSONNEL:

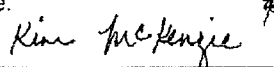
- All appropriate personnel action has been taken.


SYSTEM-WIDE:

- Development of a "Forklift Safety" safety bulletin that is posted on the Chief Executive Office (CEO) Risk Management Branch Intranet site: <http://riskmanagement.mylacounty.info>.
- The CEO offered a class titled "Introduction to Occupational Safety and Health".
- Names and certification of employees operating the forklift were obtained.
- Training of employees that that were not previously certified or employee's certificates that had expired, was conducted.

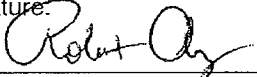
3. State if the corrective actions are applicable to only your department or other County departments:  
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- ☒ Potentially has County-wide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☐ Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator)	
Kim McKenzie, RN, MSN, CPHQ, Director, Quality Improvement and Patient Safety	
Signature: 	Date: 12/22/10

Name: (Department Head)	
John F. Schunhoff, Ph.D, Interim Director	
Signature: 	Date: 12-22-10

Chief Executive Office Risk Management

Name: Robert Chavez	
Signature: 	Date: 12-02-10